**HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition (M/S) No. 1326 of 2006.**

Budhi Singh Negi, S/O Late Shri Lakhan Singh, R/O village Shrigarh, P.O. Gudlekh, District Almora.

…..Petitioner.

Vs.

1. State of Uttaranchal through Principal Secretary, Government of Uttaranchal, Dehradun.
2. The Commissioner Kumaun, Nainital.
3. The District Magistrate, District Almora

….Respondents.

Sri T.S. Phartiyal, learned counsel for the petitioner.
Sri R.C. Arya, Learned Standing Counsel for the respondents.

**Date September11, 2006**

**P.C.: Hon'ble B.S.Verma, J.**
**(Stay Application No. 11619 of 2006)**

Heard learned counsel for both the parties and perused the record.

By means of this writ petition, the petitioner has sought a writ, order or direction in the nature of certiorari to quash the election dated 24-7-2006 as well as direction of this court in the nature of mandamus commanding the respondents to hold the election in accordance with Rules.

According to the petitioner, election of Sarpanch Van Panchayat was held without prior agenda and the same was not in accordance with the Rules framed under U.P. Panchyati Forest Rules, 1972. Rules 9 of the said Rules inter alia provides that ***"Any petition raising a dispute relating to the election of the Sarpanch or any member may, by any member of the Forest Panchayat or a resident respectively, be referred to the Deputy Commissioner for decision."***

Learned counsel for the petitioner submitted that the petitioner was the then Sarpanch of the Van Panchayat of the village concerned and according to the petitioner, a revision petition is pending for disposal before the authority concerned. In my view, the election of Sarpanch cannot be challenged by way of writ petition.

If any revision/petition is still pending before the Deputy Commissioner, the Deputy Commissioner shall decide the petition preferably within a period of six weeks from the production of certified copy of this order. However, liberty is given to the petitioner to move a fresh petition according to the Rules if he so likes.

With the above observations, the writ petition is hereby dismissed in-limine.

**(B.S. Verma,J.)**

RCP